

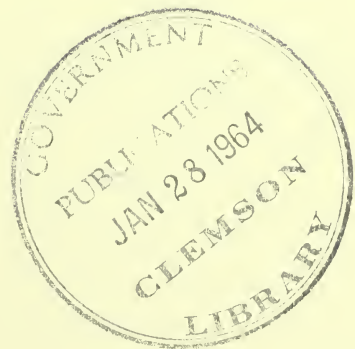
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DIGEST OF DECISIONS
OF THE UNITED STATES
DEPARTMENT OF THE INTERIOR

IN

CASES RELATING TO
THE PUBLIC LANDS

ALSO

TABLES OF CASES REPORTED, CITED, AND OVERRULED;
ACTS OF CONGRESS, REVISED STATUTES AND U.S. CODE
CITED AND CONSTRUED; EXECUTIVE ORDERS AND
PROCLAMATIONS; CIRCULARS; AND RULES OF
PRACTICE CITED AND CONSTRUED

VOLUMES 51 TO 61, INCLUSIVE

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- Easton, Francis E. (27 L.D. 600) ; overruled, 30 L.D. 355.
- East Tintic Consolidated Mining Co. (41 L.D. 255) ; vacated, 43 L.D. 80.
- *Elliott *v.* Ryan (7 L.D. 322) ; overruled, 8 L.D. 110. (See 9 L.D. 360.)
- El Paso Brick Co. (37 L.D. 155) ; overruled so far as in conflict, 40 L.D. 199.
- Elson, William C. (6 L.D. 797) ; overruled, 37 L.D. 330.
- Emblen *v.* Weed (16 L.D. 28) ; modified, 17 L.D. 220.
- Epley *v.* Trick (8 L.D. 110) ; overruled, 9 L.D. 360.
- Erhardt, Finsans (36 L.D. 154) ; overruled, 38 L.D. 406.
- Esping *v.* Johnson (37 L.D. 709) ; overruled, 41 L.D. 289.

- Ewing *v.* Rickard (1 L.D. 146) ; overruled, 6 L.D. 483.
- Falconer *v.* Price (19 L.D. 167) ; overruled, 24 L.D. 264.
- Fargo No. 2 Lode Claims (37 L.D. 404) ; modified, 43 L.D. 128; overruled so far as in conflict, 55 L.D. 348.
- Farrill, John W. (13 L.D. 713) ; overruled so far as in conflict, 52 L.D. 473.
- Febes, James H. (37 L.D. 210) ; overruled, 43 L.D. 183.
- Federal Shale Oil Co. (53 L.D. 213) ; overruled so far as in conflict, 55 L.D. 290.
- Ferrell *et al v.* Hoge *et al.* (18 L.D. 81) ; overruled, 25 L.D. 351.
- Fette *v.* Christiansen (29 L.D. 710) ; overruled, 34 L.D. 167.
- Field, William C. (1 L.D. 68) ; overruled so far as in conflict, 52 L.D. 473.
- Filtrol Company *v.* Brittan and Echart (51 L.D. 649) ; distinguished, 55 L.D. 605.
- Fish, Mary (10 L.D. 606) ; modified, 13 L.D. 511.
- Fisher *v.* Heirs of Rule (42 L.D. 62, 64) ; vacated, 43 L.D. 217.
- Fitch *v.* Sioux City and Pacific R.R. Co. (216 L. and R. 184) ; overruled, 17 L.D. 43.
- Fleming *v.* Bowe (13 L.D. 78) ; overruled, 23 L.D. 175.
- Florida, State of (17 L.D. 355) ; reversed, 19 L.D. 76.
- Florida, State of (47 L.D. 92, 93) ; overruled so far as in conflict, 51 L.D. 291.
- Florida Mesa Ditch Co. (14 L.D. 235) ; overruled, 27 L.D. 421.
- Florida Railway and Navigation Co. *v.* Miller (3 L.D. 324) ; modified, 6 L.D. 716; overruled, 9 L.D. 237.
- Forgeot, Margaret (7 L.D. 280) ; overruled, 10 L.D. 629.
- Fort Boise Hay Reservation (6 L.D. 16) ; overruled, 27 L.D. 505.
- Freeman, Flossie (40 L.D. 106) ; overruled, 41 L.D. 63.
- Freeman *v.* Texas and Pacific Ry. Co. (2 L.D. 550) ; overruled, 7 L.D. 18.
- Fry, Silas A. (45 L.D. 20) ; modified, 51 L.D. 581.
- Galliher, Maria (8 C.L.O. 137) ; overruled, 1 L.D. 57.
- Gallup *v.* Northern Pacific Ry. Co. (unpublished) ; overruled so far as in conflict, 47 L.D. 304.
- Gariss *v.* Borin (21 L.D. 542). (See 39 L.D. 162, 225.)
- Garrett, Joshua (7 C.L.O. 55) ; overruled, 5 L.D. 158.
- Garvey *v.* Tuiska (41 L.D. 510) ; modified, 43 L.D. 229.
- Gates *v.* California and Oregon R.R. Co. (5 C.L.O. 150) ; overruled, 1 L.D. 336.
- Gauger, Henry (10 L.D. 221) ; overruled, 24 L.D. 81.
- Gleason *v.* Pent (14 L.D. 375; 15 L.D. 286) ; vacated, 53 L.D. 447; overruled so far as in conflict, 59 L.D. 416, 422.
- Gohrman *v.* Ford (8 C.L.O. 6) ; overruled so far as in conflict, 4 L.D. 580.
- Golden Chief "A" Placer Claim (35 L.D. 557) ; modified, 37 L.D. 250.
- Goldstein *v.* Juneau Townsite (23 L.D. 417) ; vacated, 31 L.D. 88.
- Goodale *v.* Olney (12 L.D. 324) ; distinguished, 55 L.D. 580.
- Gotebo Townsite *v.* Jones (35 L.D. 18) ; modified, 37 L.D. 560.
- Gowdy *v.* Connell (27 L.D. 56) ; vacated, 28 L.D. 240.
- Gowdy *v.* Gilbert (19 L.D. 17) ; overruled, 26 L.D. 453.
- Gowdy *et al. v.* Kismet Gold Mining Co. (22 L.D. 624) ; modified, 24 L.D. 191.
- Grampian Lode (1 L.D. 544) ; overruled, 25 L.D. 495.
- Gregg *et al. v.* State of Colorado (15 L.D. 151) ; modified, 30 L.D. 310.
- Grinnell *v.* Southern Pacific R. R. Co. (22 L.D. 438) ; vacated, 23 L.D. 489.
- *Ground Hog Lode *v.* Parole and Morning Star Lodes (8 L.D. 430) ; overruled, 34 L.D. 568. (See R. R. Rousseau, 47 L.D. 590.)
- Guidney, Alcide (8 C.L.O. 157) ; overruled, 40 L.D. 399.
- Gulf and Ship Island R. R. Co. (16 L.D. 236) ; modified, 19 L.D. 534.
- Gustafson, Olof (45 L.D. 456) ; modified, 46 L.D. 442.
- Halvorson, Halvor K. (39 L.D. 456) ; overruled, 41 L.D. 505.
- Hamilton, Hiram M. (54 L.D. 36) ; Instructions (51 L.D. 51) ; overruled so far as in conflict.
- Hansbrough, Henry C. (5 L.D. 155) ; overruled, 29 L.D. 59.
- Hardee, D. C. (7 L.D. 1) ; overruled so far as in conflict, 29 L.D. 698.

- Hardee v. United States* (8 L.D. 391; 16 L.D. 499); overruled so far as in conflict, 29 L.D. 698.
- Hardin, James A.* (10 L.D. 313); revoked, 14 L.D. 233.
- Harris, James G.* (28 L.D. 90); overruled, 39 L.D. 93.
- Harrison, Luther* (4 L.D. 179); overruled, 17 L.D. 216.
- Harrison, W. R.* (19 L.D. 299); overruled, 33 L.D. 539.
- Hart v. Cox* (42 L.D. 592); vacated, 260 U.S. 427. (See 49 L.D. 413.)
- Hastings and Dakota Ry. Co. v. Christenson et al.* (22 L.D. 257); overruled, 28 L.D. 572.
- Hausman, Peter A. C.* (37 L.D. 352); modified, 48 L.D. 629.
- Hayden v. Jamison* (24 L.D. 403); vacated, 26 L.D. 373.
- Haynes v. Smith* (50 L.D. 208); overruled so far as in conflict, 54 L.D. 150.
- Heilman v. Syverson* (15 L.D. 184); overruled, 23 L.D. 119.
- Heinzman et al. v. Letroadec's Heirs et al.* (28 L.D. 497); overruled, 38 L.D. 253.
- Heirs of Davis* (40 L.D. 573); overruled, 46 L.D. 110.
- Heirs of Philip Mulnix* (33 L.D. 331); overruled, 43 L.D. 532.
- **Heirs of Stevenson v. Cunningham* (32 L.D. 650); overruled so far as in conflict, 41 L.D. 119. (See 43 L.D. 196.)
- Heirs of Talkington v. Hempfling* (2 L.D. 46); overruled, 14 L.D. 200.
- Heirs of Vradenburg et al. v. Orr et al.* (25 L.D. 323); overruled, 38 L.D. 253.
- Helmer, Inkerman* (34 L.D. 341); modified, 42 L.D. 472.
- Helphrey v. Coil* (49 L.D. 624); overruled, *Dennis v. Jean* (A-20899), July 24, 1937, unreported.
- Henderson, John W.* (40 L.D. 518); vacated, 43 L.D. 106. (See 44 L.D. 112 and 49 L.D. 484.)
- Hennig, Nellie J.* (38 L.D. 443, 445); recalled and vacated, 39 L.D. 211.
- Herman v. Chase et al.* (37 L.D. 590); overruled, 43 L.D. 246.
- Herrick, Wallace H.* (24 L.D. 23); overruled, 25 L.D. 113.
- Hess, Hoy, Assignee* (46 L.D. 421); overruled, 51 L.D. 287.
- Hickey, M. A., et al.* (3 L.D. 83); modified, 5 L.D. 256.
- Hildreth, Henry* (45 L.D. 464); vacated, 46 L.D. 17.
- Hindman, Ada I.* (42 L.D. 327); vacated in part, 43 L.D. 191.
- Hoglund, Svan* (42 L.D. 405); vacated, 43 L.D. 538.
- Holden, Thomas A.* (16 L.D. 493); overruled, 29 L.D. 166.
- Holland, G. W.* (6 L.D. 20); overruled, 6 L.D. 639; 12 L.D. 436.
- Holland, William C.* (M-27696), decided April 26, 1934; overruled in part, 55 L.D. 221.
- Hollensteiner, Walter* (38 L.D. 319); overruled, 47 L.D. 260.
- Holman v. Central Montana Mines Co.* (34 L.D. 568); overruled so far as in conflict, 47 L.D. 590.
- Hon v. Martinas* (41 L.D. 119); modified, 43 L.D. 197.
- Hooper, Henry* (6 L.D. 624); modified, 9 L.D. 86, 284.
- Howard, Thomas* (3 L.D. 409). (See 39 L.D. 162, 225.)
- Howard v. Northern Pacific R. R. Co.* (23 L.D. 6); overruled, 28 L.D. 126.
- Howell, John H.* (24 L.D. 35); overruled, 28 L.D. 204.
- Howell, L. C.* (39 L.D. 92). (See 39 L.D. 411.)
- Hoy, Assignee of Hess* (46 L.D. 421); overruled, 51 L.D. 287.
- Hughes v. Greathead* (43 L.D. 497); overruled, 49 L.D. 413. (See 260 U.S. 427.)
- Hull et al. v. Ingle* (24 L.D. 214); overruled, 30 L.D. 258.
- Huls, Clara* (9 L.D. 401); modified, 21 L.D. 377.
- Hyde, F. A.* (27 L.D. 472); vacated, 28 L.D. 284.
- Hyde, F. A., et al.* (40 L.D. 284); overruled, 43 L.D. 381.
- Hyde et al. v. Warren et al.* (14 L.D. 576; 15 L.D. 415). (See 19 L.D. 64.)
- Ingram, John D.* (37 L.D. 475). (See 43 L.D. 544.)
- Inman v. Northern Pacific R.R. Co.* (24 L.D. 318); overruled, 28 L.D. 95.
- Interstate Oil Corp. and Frank O. Chittenden* (50 L.D. 262); overruled so far as in conflict, 53 L.D. 228.

- Instructions (32 L.D. 604); overruled so far as in conflict, 50 L.D. 628; 53 I.D. 365; Lillian M. Peterson *et al.* (A-20411), August 5, 1937, unreported. (See 59 I.D. 282, 286.)
- Iowa Railroad Land Co. (23 L.D. 79; 24 L.D. 125); vacated 29 L.D. 79.
- Jacks *v.* Belard *et al.* (29 L.D. 369); vacated, 30 L.D. 345.
- Jackson Oil Co. *v.* Southern Pacific Ry. Co. (40 L.D. 528); overruled, 42 L.D. 317.
- Johnson *v.* South Dakota (17 L.D. 411); overruled so far as in conflict, 41 L.D. 22.
- Jones, James A. (3 L.D. 176); overruled, 8 L.D. 448.
- Jones *v.* Kennett (6 L.D. 688); overruled, 14 L.D. 429.
- Kackmann, Peter (1 L.D. 86); overruled, 16 L.D. 464.
- Kanawha Oil and Gas Co., Assignee (50 L.D. 639); overruled so far as in conflict, 54 I.D. 371.
- Kemp, Frank A. (47 L.D. 560); overruled so far as in conflict, 60 I.D. 417, 419.
- Kemper *v.* St. Paul and Pacific R. R. Co. (2 C.L.L. 805); overruled, 18 L.D. 101.
- Kilner, Harold E., *et al.* (A-21845), February 1, 1939, unreported; overruled so far as in conflict, 59 I.D. 258, 260.
- King *v.* Eastern Oregon Land Co. (23 L.D. 579); modified, 30 L.D. 19.
- Kinney, E. C. (44 L.D. 580); overruled so far as in conflict, 53 I.D. 228.
- Kinsinger *v.* Peck (11 L.D. 202). (See 39 L.D. 162, 225.)
- Kiser *v.* Keech (7 L.D. 25); overruled, 23 L.D. 119.
- Knight, Albert B., *et al.* (30 L.D. 227); overruled, 31 L.D. 64.
- Knight *v.* Heirs of Knight (39 L.D. 362, 491; 40 L.D. 461); overruled, 43 L.D. 242.
- Kniskern *v.* Hastings and Dakota R. R. Co. (6 C.L.O. 50); overruled, 1 L.D. 362.
- Kolberg, Peter F. (37 L.D. 453); overruled, 43 L.D. 181.
- Krigbaum, James T. (12 L.D. 617); overruled, 26 L.D. 448.
- Krushnic, Emil L. (52 L.D. 282, 295); vacated, 53 I.D. 42, 45. (See 280 U.S. 306.)
- Lackawana Placer Claim (36 L.D. 36); overruled, 37 L.D. 715.
- La Follette, Harvey M. (26 L.D. 453); overruled so far as in conflict, 59 I.D. 416, 422.
- Lamb *v.* Ullery (10 L.D. 528); overruled, 32 L.D. 331.
- Largent, Edward B., *et al.* (13 L.D. 397); overruled so far as in conflict, 42 L.D. 321.
- Larson, Syvert (40 L.D. 69); overruled, 43 L.D. 242.
- Lasselle *v.* Missouri, Kansas and Texas Ry. Co. (3 C.L.O. 10); overruled, 14 L.D. 278.
- Las Vegas Grant (13 L.D. 646; 15 L.D. 58); revoked, 27 L.D. 683.
- Laughlin, Allen (31 L.D. 256); overruled, 41 L.D. 361.
- Laughlin *v.* Martin (18 L.D. 112); modified, 21 L.D. 40.
- Law *v.* State of Utah (29 L.D. 623); overruled, 47 L.D. 359.
- Lemmons, Lawson H. (19 L.D. 37); overruled, 26 L.D. 389.
- Leonard, Sarah (1 L.D. 41); overruled, 16 L.D. 464.
- Lindberg, Anna C. (3 L.D. 95); modified, 4 L.D. 299.
- Linderman *v.* Wait (6 L.D. 689); overruled, 13 L.D. 459.
- *Linhart *v.* Santa Fe Pacific R.R. Co. (36 L.D. 41); overruled, 41 L.D. 284. (See 43 L.D. 536.)
- Little Pet Lode (4 L.D. 17); overruled, 25 L.D. 550.
- Lock Lode (6 L.D. 105); overruled so far as in conflict, 26 L.D. 123.
- Lockwood, Francis A. (20 L.D. 361); modified, 21 L.D. 200.
- Loneragan *v.* Shockley (33 L.D. 238); overruled so far as in conflict, 34 L.D. 314; 36 L.D. 199.
- Louisiana, State of (8 L.D. 126); modified, 9 L.D. 157.
- Louisiana, State of (24 L.D. 231); vacated, 26 L.D. 5.
- Louisiana, State of (47 L.D. 366); overruled so far as in conflict, 51 L.D. 291.
- Louisiana, State of (48 L.D. 201); overruled so far as in conflict, 51 L.D. 291.
- Lucy B. Hussey Lode (5 L.D. 93); overruled, 25 L.D. 495.
- Luton, James W. (34 L.D. 468); overruled so far as in conflict, 35 L.D. 102.

- Lyman, Mary O. (24 L.D. 493) ; overruled so far as in conflict, 43 L.D. 221.
- Lynch, Patrick (7 L.D. 33) ; overruled so far as in conflict, 13 L.D. 713.
- Madigan, Thomas (8 L.D. 188) ; overruled, 27 L.D. 448.
- Maginnis, Charles P. (31 L.D. 222) ; overruled, 35 L.D. 399.
- Maginnis, John S. (32 L.D. 14) ; modified, 42 L.D. 472.
- Maher, John M. (34 L.D. 342) ; modified, 42 L.D. 472.
- Mahoney, Timothy (41 L.D. 129) ; overruled, 42 L.D. 313.
- Makela, Charles (46 L.D. 509) ; extended, 49 L.D. 244.
- Makemson v. Snider's Heirs (22 L.D. 511) ; overruled, 32 L.D. 650.
- Malone Land and Water Co. (41 L.D. 138) ; overruled in part, 43 L.D. 110.
- Maney, John J. (35 L.D. 250) ; modified, 48 L.D. 153.
- Maple, Frank (37 L.D. 107) ; overruled, 43 L.D. 181.
- Martin v. Patrick (41 L.D. 284) ; overruled, 43 L.D. 536.
- Mason v. Cromwell (24 L.D. 248) ; vacated, 26 L.D. 369.
- Masten, E. C. (22 L.D. 337) ; overruled, 25 L.D. 111.
- Mather *et al.* v. Hackley's Heirs (15 L.D. 487) ; vacated, 19 L.D. 48.
- Maughan, George W. (1 L.D. 25) ; overruled, 7 L.D. 94.
- Maxwell and Sangre de Cristo Land Grants (46 L.D. 301) ; modified, 48 L.D. 88.
- McBride v. Secretary of the Interior (8 C.L.O. 10) ; modified, 52 L.D. 33.
- McCalla v. Acker (29 L.D. 203) ; vacated, 30 L.D. 277.
- McCord, W. E. (23 L.D. 137) ; overruled to extent of any possible inconsistency, 56 I.D. 73.
- McCornick, William S. (41 L.D. 661, 666) ; vacated, 43 L.D. 429.
- *McCraney v. Heirs of Hayes (33 L.D. 21) ; overruled so far as in conflict, 41 L.D. 119. (See 43 L.D. 196.)
- McDonald, Roy (34 L.D. 21) ; overruled, 37 L.D. 285.
- *McDonogh School Fund (11 L.D. 378) ; overruled, 30 L.D. 616. (See 35 L.D. 399.)
- McFadden *et al.* v. Mountain View Mining and Milling Co. (26 L.D. 530) ; vacated, 27 L.D. 358.
- McGee, Edward D. (17 L.D. 285) ; overruled, 29 L.D. 166.
- McGrann, Owen (5 L.D. 10) ; overruled, 24 L.D. 502.
- McGregor, Carl (37 L.D. 693) ; overruled, 38 L.D. 148.
- McHarry v. Stewart (9 L.D. 344) ; criticized and distinguished, 56 I.D. 340.
- McKernan v. Bailey (16 L.D. 368) ; overruled, 17 L.D. 494.
- *McKittrick Oil Co. v. Southern Pacific R.R. Co. (37 L.D. 243) ; overruled so far as in conflict, 40 L.D. 528. (See 42 L.D. 317.)
- McMicken, Herbert *et al.* (10 L.D. 97 ; 11 L.D. 96) ; distinguished, 58 I.D. 257, 260.
- McNamara *et al.* v. State of California (17 L.D. 296) ; overruled, 22 L.D. 666.
- McPeck v. Sullivan *et al.* (25 L.D. 281) ; overruled, 36 L.D. 26.
- *Mee v. Hughart *et al.* (23 L.D. 455) ; vacated, 28 L.D. 209. In effect reinstated, 44 L.D. 414, 487 ; 46 L.D. 434 ; 48 L.D. 195, 346, 348 ; 49 L.D. 660.
- *Meeboer v. Heirs of Schut (35 L.D. 335) ; overruled so far as in conflict, 41 L.D. 119. (See 43 L.D. 196.)
- Mercer v. Buford Townsite (35 L.D. 119) ; overruled, 35 L.D. 649.
- Meyer, Peter (6 L.D. 639) ; modified, 12 L.D. 436.
- Meyer v. Brown (15 L.D. 307). (See 39 L.D. 162, 225.)
- Midland Oilfields Co. (50 L.D. 620) ; overruled so far as in conflict, 54 I.D. 371.
- Miller, Edwin J. (35 L.D. 411) ; overruled, 43 L.D. 181.
- Miller v. Sebastian (19 L.D. 288) ; overruled, 26 L.D. 448.
- Milner and North Side R.R. Co. (36 L.D. 488) ; overruled, 40 L.D. 187.
- Milton *et al.* v. Lamb (22 L.D. 339) ; overruled, 25 L.D. 550.
- Milwaukee, Lake Shore and Western Ry. Co. (12 L.D. 79) ; overruled, 29 L.D. 112.
- Miner v. Mariott *et al.* (2 L.D. 709) ; modified, 28 L.D. 224.
- Minnesota and Ontario Bridge Company (30 L.D. 77) ; no longer followed, 50 L.D. 359.
- *Mitchell v. Brown (3 L.D. 65) ; overruled, 41 L.D. 396. (See 43 L.D. 520.)

- Monitor Lode (18 L.D. 358); overruled, 25 L.D. 495.
- Monster Lode (35 L.D. 493); overruled so far as in conflict, 55 L.D. 348.
- Moore, Charles H. (16 L.D. 204); overruled, 27 L.D. 482.
- Morgan v. Craig (10 C.L.O. 234); overruled, 5 L.D. 303.
- Morgan v. Rowland (37 L.D. 90); overruled, 37 L.D. 618.
- Moritz, v. Hinz (36 L.D. 450); vacated, 37 L.D. 382.
- Morrison, Charles S. (36 L.D. 126); modified, 36 L.D. 319.
- Morrow *et al.* v. State of Oregon *et al.* (32 L.D. 54); modified, 33 L.D. 101.
- Moses, Zelter R. (36 L.D. 473); overruled, 44 L.D. 570.
- Mountain Chief Nos. 8 and 9 Lode Claims (36 L.D. 100); overruled in part, 36 L.D. 551.
- Mt. Whitney Military Reservation (40 L.D. 315). (See 43 L.D. 33.)
- Muller, Ernest (46 L.D. 243); overruled, 48 L.D. 163.
- Muller, Esberne K. (39 L.D. 72); modified, 39 L.D. 360.
- Mulnix, Philip, Heirs of (33 L.D. 331); overruled, 43 L.D. 532.
- Nebraska, State of (18 L.D. 124); overruled, 28 L.D. 358.
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- Neilsen v. Central Pacific R. R. Co. *et al.* (26 L.D. 252); modified, 30 L.D. 216.
- Newbanks v. Thompson (22 L.D. 490); overruled, 29 L.D. 108.
- Newlon, Robert C. (41 L.D. 421); overruled so far as in conflict, 43 L.D. 364.
- New Mexico, State of (46 L.D. 217); overruled, 48 L.D. 98.
- New Mexico, State of (49 L.D. 314); overruled, 54 I.D. 159.
- Newton, Walter (22 L.D. 322); modified, 25 L.D. 188.
- New York Lode and Mill Site (5 L.D. 513); overruled, 27 L.D. 373.
- *Nickel, John R. (9 L.D. 388); overruled, 41 L.D. 129. (See 42 L.D. 313.)
- Northern Pacific R. R. Co. (20 L.D. 191); modified, 22 L.D. 224; overruled so far as in conflict, 29 L.D. 550.
- Northern Pacific R. R. Co. (21 L.D. 412; 23 L.D. 204; 25 L.D. 501); overruled, 53 L.D. 242. (See 26 L.D. 265; 33 L.D. 426; 44 L.D. 218; 177 U.S. 435.)
- Northern Pacific Ry. Co. (48 L.D. 573); overruled so far as in conflict, 51 L.D. 196. (See 52 L.D. 58.)
- Northern Pacific R. R. Co. v. Bowman (7 L.D. 238); modified, 18 L.D. 224.
- Northern Pacific R. R. Co. v. Burns (6 L.D. 21); overruled, 20 L.D. 191.
- Northern Pacific R. R. Co. v. Loomis (21 L.D. 395); overruled, 27 L.D. 464.
- Northern Pacific R. R. Co. v. Marshall *et al.* (17 L.D. 545); overruled, 28 L.D. 174.
- Northern Pacific R. R. Co. v. Miller (7 L.D. 100); overruled so far as in conflict, 16 L.D. 229.
- Northern Pacific R. R. Co. v. Sherwood (28 L.D. 126); overruled so far as in conflict, 29 L.D. 550.
- Northern Pacific R. R. Co. v. Symons (22 L.D. 686); overruled, 28 L.D. 95.
- Northern Pacific R. R. Co. v. Urquhart (8 L.D. 365); overruled, 28 L.D. 126.
- Northern Pacific R. R. Co. v. Walters *et al.* (13 L.D. 230); overruled so far as in conflict, 49 L.D. 391.
- Northern Pacific R. R. Co. v. Yantis (8 L.D. 58); overruled, 12 L.D. 127.
- Nunez, Roman C. and Serapio (56 I.D. 363); overruled so far as in conflict, 57 I.D. 213.
- Nyman v. St. Paul, Minneapolis, and Manitoba Ry. Co. (5 L.D. 396); overruled, 6 L.D. 750.
- O'Donnell, Thomas J. (28 L.D. 214); overruled, 35 L.D. 411.
- Olson v. Traver *et al.* (26 L.D. 350, 628); overruled so far as in conflict, 29 L.D. 480; 30 L.D. 382.
- Opinion A. A. G. (35 L.D. 277); vacated, 36 L.D. 342.
- Opinions of Solicitor, September 15, 1914, and February 2, 1915; overruled, September 9, 1919 (D-43035, May Caramony). (See 58 I.D. 149, 154-156.)
- Opinion of Solicitor, October 31, 1917 (D-40462); overruled so far as inconsistent, 58 I.D. 85, 92, 96.
- Opinion of Solicitor, February 7, 1919 (D-44083); overruled, November 4, 1921 (M-6397). (See 58 I.D. 158, 160.)

- Opinion of Solicitor, August 8, 1933 (M-27499); overruled so far as in conflict, 54 I.D. 402.
- Opinion of Solicitor, May 8, 1940 (57 I.D. 124); overruled in part, 58 I.D. 562, 567.
- Opinion of Solicitor, August 31, 1943 (M-33183); distinguished, 58 I.D. 726, 729.
- Opinion of Acting Solicitor, June 6, 1941; overruled so far as inconsistent, 60 I.D. 333.
- Opinion of Acting Solicitor, July 30, 1942; overruled so far as in conflict, 58 I.D. 331. (See 59 I.D. 346, 350.)
- Oregon and California R. R. Co. v. Puckett (39 L.D. 169); modified, 53 I.D. 264.
- Oregon Central Military Wagon Road Co. v. Hart (17 L.D. 480); overruled, 18 L.D. 543.
- Owens *et al.* v. State of California (22 L.D. 369); overruled, 38 L.D. 253.
- Pace v. Carstarphen *et al.* (50 L.D. 369); distinguished, 61 I.D. 459.
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- Zimmerman *v.* Brunson (39 L.D. 310); overruled, 52 L.D. 715.

NOTE.—The abbreviations used in this title refer to the following publications: "B.L.P." to Brainard's Legal Precedents in Land and Mining Cases, vols. 1 and 2; "C.L.L." to Copp's Public Land Laws, edition of 1875, 1 volume; edition of 1882, 2 volumes; edition of 1890, 2 volumes; "C.L.O." to Copp's Land Owner, vols. 1-18; "L. and R." to records of the former Division of Lands and Railroads; "L.D." to the Land Decisions of the Department of the Interior, vols. 1-52; "I.D." to Decisions of the Department of the Interior, beginning with vol. 53.—EDITOR.

TABLE OF OVERRULED AND MODIFIED INSTRUCTIONS

1933, Aug. 17.—Letter of instructions re disbursement of funds to executors and administrators of estates of deceased Osage Indians of less than one-half Indian blood or Indians having certificates of competency; Aug. 17, 1933, instructions overruled in effect by letter of instructions approved Apr. 6, 1936; instructions approved Apr. 6, 1936, modified 58 I.D. 378, 386, 388, 390.

Departmental instructions of Jan. 10, 1936 (letter M-28257), Nov. 16, 1937 (see 1690586), and Nov. 8, 1939 (see 1791365), concerning Arkansas drainage liens and withdrawal orders are overruled by Solicitor's opinion of Oct. 30, 1942, insofar as they are inconsistent with its holding that drainage liens imposed on public lands in Arkansas under the Caraway Act of Jan. 17, 1920, although constituting rights to Caraway entry and barring withdrawal therefrom, are not rights to homestead entry and do not bar withdrawal of the lien-burdened lands from homestead entry or any other form of disposition under public-land laws. (See 58 I.D. 170, 173, 174, 179.)

1936, Sept. 14.—Letter of instructions (M-28726) re leasing of unreserved public lands; modified, letter of instruction of Oct. 8, 1937 (M-29482). (See 58 I.D. 203, 210, 213.)

Departmental and General Land Office instructions and determinations concerning withdrawal orders and Minnesota drainage liens on United States lands are overruled by Solicitor's opinion of Aug. 12, 1942, insofar as they are contrary to its holding that drainage liens imposed on public and Indian ceded lands in Minnesota under the Volstead Act of May 20, 1908, although constituting rights to Volstead entry and barring withdrawal from Volstead entry, do not work an appropriation of the land, do not constitute rights to homestead entry and do not bar withdrawal of the lien-burdened lands from homestead entry or any other form of disposition under public-land laws. (See 58 I.D. 65, 74, 80, 81.)

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